

# **Olivia Y., et al. V. Phil Bryant, et al.**

**Taylor Cheeseman - (Vol. II)**

**December 20, 2018**

All depositions & exhibits are available for downloading at

[<www.brookscourtreporting.com>](http://www.brookscourtreporting.com)

Please call or e-mail [depo@brookscourtreporting.com](mailto:depo@brookscourtreporting.com) if you need a  
**Username and Password.**



**Mississippi - Louisiana - Tennessee - New York**  
**1-800-245-3376**

Taylor Cheeseman - (Vol. II) 12/20/2018

IN THE UNITED STATES DISTRICT COURT  
FO THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

OLIVIA Y., BY AND THROUGH HER NEXT  
FRIEND, JAMES D. JOHNSON; JAMISON J.,  
BY AND THROUGH HIS NEXT FRIEND,  
CLARA LEWIS; DESIREE, RENEE, TYSON,  
AND MONIQUE P., BY AND THROUGH THEIR  
NEXT FRIEND, SYLVIA FORSTER; JOHN A.,  
BY AND THROUGH HIS NEXT FRIEND,  
JAMES D. JOHNSON; CODY B., BY AND  
THROUGH HIS NEXT FRIEND, SHARON SCOTT;  
MARY, TOM, MATTHEW, AND DANA W., BY AND  
THROUGH THEIR NEXT FRIEND, ZELATRA W.;  
AND SAM H., BY AND THROUGH HIS NEXT  
FRIEND, YVETTE BULLOCK; ON THEIR OWN  
BEHALF AND BEHALF OF ALL OTHERS  
SIMILARLY SITUATED

PLAINTIFFS

VS CIVIL ACTION NO. 3:04-CV-251-TSL-FKB

PHIL BRYANT, AS GOVERNOR OF THE STATE OF  
MISSISSIPPI; DONALD TAYLOR, AS EXECUTIVE  
DIRECTOR OF THE DEPARTMENT OF HUMAN  
SERVICES; AND BILLY MANGOLD, AS DIRECTOR  
OF THE DIVISION OF FAMILY AND  
CHILDREN'S SERVICES

DEFENDANTS

\*\*\*\*\*

VOLUME II  
CONTINUED DEPOSITION  
OF  
TAYLOR CHEESEMAN

taken at Baker Donelson,  
100 Vision Drive, Suite 400,  
Jackson, Mississippi  
on Thursday, December 20, 2018,  
beginning at approximately 8:31 a.m.

\*\*\*\*\*

Angela Dawn Dillard, CSR  
Certified Shorthand Reporter, #1763

Taylor Cheeseman - (Vol. II) 12/20/2018

1 A P P E A R A N C E S

2

3 FOR THE PLAINTIFF VIA TELECONFERENCE:

4 Marcia Robinson Lowry, Esquire  
mlowry@abetterchildhood.org  
5 Valerie McLaughlin, Esquire  
vmclaughlin@abetterchildhood.org  
6 Dawn J. Post, Esquire  
Dpost@abetterchildhood.org  
7 Anastasia Benedetto, Esquire  
A Better Childhood  
8 355 Lexington Avenue  
Floor 16  
9 New York, New York 10017  
646.795.4456

10

11

12 FOR THE DEFENDANT:

13 James L. Jones, Esquire  
jjones@bdbbc.com  
14 Kenya Rachal, Esquire  
krachal@bakerdonelson.com  
15 Baker Donelson Bearman Caldwell &  
Berkowitz  
16 One Eastover Drive  
100 Vision Drive  
17 Suite 400  
Jackson, Mississippi 39211  
18 601.351.2400

19

20

ALSO PRESENT VIA TELECONFERENCE:

21

James McDonald, A Better Childhood

22

23

24

25

Taylor Cheeseman - (Vol. II) 12/20/2018

1	TABLE OF CONTENTS	
2		PAGE
3	Title Page. . . . .	.101
4	Appearance Page . . . . .	.102
5	Table of Contents . . . . .	.103
6	Stipulation Page. . . . .	.104
7	EXAMINATION OF TAYLOR CHEESEMAN	
8	BY MS. LOWRY . . . . .	105
9	Signature Page. . . . .	.141
10	Certificate Page. . . . .	.142
11		
12	EXHIBIT INDEX	
13		
14	23 E-mail regarding deposition	106
15	24 Budget Request for Fiscal Year Ending	107
16	June 30, 2020	
17		
18		
19		
20		
21		
22		
23		
24		
25		

Taylor Cheeseman - (Vol. II) 12/20/2018

1 STIPULATION

2

3 It is hereby stipulated and agreed by  
4 and between the parties hereto, through their  
5 respective attorneys of record, that this  
6 deposition may be taken at the time and place  
7 hereinbefore set forth, by DAWN DILLARD, Court  
8 Reporter and Notary Public, pursuant to the  
9 Rules;

10 That the formality of reading and  
11 signing is specifically NOT WAIVED;

12 That all objections, except as to the  
13 form of the questions and the responsiveness of  
14 the answers, are reserved until such time as the  
15 deposition, or any part thereof, may be used or  
16 sought to be used in evidence.

17

\* \* \*

18

19

20

21

22

23

24

25

Taylor Cheeseman - (Vol. II) 12/20/2018

1 TAYLOR CHEESEMAN,  
2 having first been duly sworn, was examined and  
3 testified as follows:

4 MS. LOWRY: Thank you. So we are here  
5 this morning on supplements through the  
6 deposition of Taylor Cheeseman, which will be  
7 limited in its scope as we've agreed, and we  
8 appreciate your arranging this.

9 We have some questions that I think are  
10 well within the time period that we have set.

11 And we are going to be referring to  
12 exhibits previously marked in the earlier  
13 depositions.

14 EXAMINATION

15 BY MS. LOWRY:

16 Q. So to start with some questions with  
17 regard to Exhibit 14, which is the 2020 budget  
18 request.

19 MR. JONES: All right. if you'll give  
20 us just a moment, Ms. Lowry, and I think it  
21 would be helpful to mark as the first exhibit,  
22 or the next exhibit, in this deposition series  
23 the exchange of correspondence between yourself  
24 and my partner Kenya Rachal. I have a copy of  
25 it. It is three e-mails beginning with your

Taylor Cheeseman - (Vol. II) 12/20/2018

1 e-mail on December 13th at 1:55. Ms. Rachal's  
2 answer on December 14th at 1:44. And your  
3 response stating that is acceptable on December  
4 14 at 12:54.

5 So I will I ask this to be marked as I  
6 believe it's Exhibit 23.

7 MS. LOWRY: That's right. We can do  
8 that, but I assume that these are setting forth  
9 the terms of this deposition --

10 MR. JONES: Yes.

11 MS. LOWRY: -- is that right?

12 MR. JONES: And it's only the exchange  
13 between yourself -- between you and Ms. Rachal.

14 MS. LOWRY: That's fine. We have no  
15 objection to that.

16 (Exhibit 23 marked for the record.)

17 MS. RACHAL: Let me add one more  
18 thing, Marcia. You said the FY 2020 budget,  
19 and I know it was marked as an exhibit at the  
20 earlier deposition. But after that deposition  
21 we provided you with a Bates label version so  
22 that we can more easily follow it. So that's  
23 what I have here on site so we may want to have  
24 that marked as an additional exhibit.

25 MR. LOWRY: Okay. So we can mark that

Taylor Cheeseman - (Vol. II) 12/20/2018

1 as --

2 MR. JONES: 24.

3 (Exhibit 24 marked for the record.)

4 MS. LOWRY: All right. Are there any  
5 other preliminary matters we need to deal with?

6 MR. JONES: No.

7 MS. LOWRY: Let me just identify or --

8 COURT REPORTER: I did not understand  
9 her.

10 MR. JONES: Marcia, we had a little --  
11 we could not understand you. Again, you might  
12 want to just move a little closer to the  
13 microphone and just speak softly and we are a  
14 long way off.

15 MS. LOWRY: Yeah. So let's just see  
16 what we can do. Okay, is that better?

17 MR. JONES: Yes.

18 MS. LOWRY: Okay. All right. So we  
19 would like to see the documents that you have  
20 marked as 23 before that gets finalized. So  
21 can you fax those to us? No, I'm sorry, can  
22 you copy them to us somehow quickly. I'm sure  
23 there won't be a problem but we just want to  
24 see them.

25 MR. JONES: Well, I just gave you the

Taylor Cheeseman - (Vol. II) 12/20/2018

1        dates of them but we can stop the deposition  
2        and do that.

3                MS. LOWRY: I don't think we need to  
4        stop the deposition. Perhaps there is someone  
5        you could give them to and we can proceed with  
6        the deposition and then we will see them before  
7        the end of the deposition.

8                MR. JONES: Sure, I think that would  
9        be fine. We'll get someone in here to scan  
10       them and send them to you.

11               MS. LOWRY: Thank you very much.  
12       Okay. Any other preliminary matters?

13               MR. JONES: No.

14               MS. LOWRY: Okay. So just for the  
15       purposes of identifying who is in the room, I'd  
16       like to just introduce to Valerie McLaughlin on  
17       my left.

18               MS. MCLAUGHLIN: Hi, how are you?

19               MR. LOWRY: One of the attorneys at  
20       ABC. And to James McDonald on my right, our  
21       office manager who is here for tech assistance  
22       if we need it, okay?

23               MR. JONES: Okay.

24               MR. LOWRY: All right. So let's go.

25       BY MS. LOWRY:

Taylor Cheeseman - (Vol. II) 12/20/2018

1 Q. So, now I have some questions -- so the  
2 purpose of this deposition is to verify some  
3 points with regard exhibits that became available  
4 subsequent to the deposition. So I would like to  
5 call your attention, Mr. Cheeseman, to Exhibit 14  
6 now remarked as Exhibit 24, the 2020 budget,  
7 okay?

8 A. Yes.

9 Q. And -- good, okay, specifically, and I  
10 want you to please look at page 21-1?

11 A. 21-1?

12 Q. Correct.

13 A. Okay.

14 Q. All right. And then it says at --

15 MS. LOWRY: Where is this at?

16 MS. MCLAUGHLIN: Right here under  
17 salary, wages, and fringe.

18 BY MR. LOWRY:

19 Q. Okay. All right. So I want to direct  
20 your attention to the first sentence under  
21 salaries, wages, and fringe, which says MDCPS's  
22 2020 budget request includes an increase in  
23 funding for salaries with no additional requested  
24 funds. And so I call your attention to that.

25 That means that you were not requesting

Taylor Cheeseman - (Vol. II) 12/20/2018

1 any additional positions be added in order to  
2 comply, and that's positions, in order to comply  
3 with the caseload invitations?

4 A. Correct. We were not asking for  
5 additional positions, just more money to fill  
6 existing positions.

7 Q. Okay, so let me just ask you then, is it  
8 possible to have more official or PINS than it is  
9 funding for the positions?

10 A. Yes. The legislature appropriates PINS,  
11 the positions themselves, and the money to fill  
12 those positions separately. And sometimes you do  
13 not have enough money to fill all of the  
14 positions that you possess as an agency.

15 Q. Okay. So does that mean you currently  
16 have more PINS positions authorized than you are  
17 filling? When I say you I mean the agency MDCPS.

18 A. Yes.

19 Q. Okay. And does that mean that in 2019  
20 there was a gap between the number of PINS you  
21 had and how many positions Commissioner Dickinson  
22 decided to fill?

23 A. Yes. We are in fiscal year '19. We  
24 have more positions than we have filled at this  
25 point.

Taylor Cheeseman - (Vol. II) 12/20/2018

1 Q. Okay. And you believe you have money  
2 authorized to fill?

3 A. Yes.

4 Q. Okay. Do you have --

5 A. Well, I should say money available to  
6 fill rather than money authorized to fill.

7 Q. I don't understand what the distinction  
8 is there?

9 A. Well, we have a lump sum appropriation  
10 from the legislature so money is not authorized  
11 for a particular purpose. But we do not possess  
12 enough money to fill all of the positions.

13 Q. Okay. I think I have it. Do you have  
14 any internal cap related to the hiring freeze?  
15 And when I say hiring freeze, I'm referring to  
16 the December 2017 memo that you issued related to  
17 that freeze that is below the published number of  
18 PINS?

19 A. We do not have a cap on the number of  
20 positions that can be filled. We have limited  
21 the amount of money that can be spent on  
22 salaries.

23 Q. Does that amount to a cap?

24 A. It's a cap on how much can be spent on  
25 salaries, yes.

Taylor Cheeseman - (Vol. II) 12/20/2018

1 Q. Okay. And that's also a cap on the  
2 number of positions that you plan to fill despite  
3 the fact that you have an authorization of a  
4 larger number of PINS positions?

5 A. Effectively, yes. Yes.

6 Q. So in the 2020 budget, which is Exhibit  
7 24, you are seeking to rate the funding to hire,  
8 and now looking at 21-1 again --

9 MS. MCLAUGHLIN: Here, right here, at  
10 the second.

11 MS. LOWRY: Okay.

12 MS. MCLAUGHLIN: Enable --

13 MS. LOWRY: Yeah, got it.

14 BY MS. LOWRY:

15 Q. So withdraw that.

16 So you are seeking, and are now looking  
17 at Exhibit 24 and it's the third sentence under  
18 salaries, wages, and fringe, and it says, the  
19 current funding request is being made to enable  
20 MDCPS to fill additional positions for 108  
21 caseworkers, et cetera.

22 So how did -- my question to you is, how  
23 did you come up with the numbers 108?

24 A. The 108 number is based on analysis of  
25 workload county by county and staffing county by

Taylor Cheeseman - (Vol. II) 12/20/2018

1 county. Essentially adding up how much work  
2 there is to be done, how many people there are to  
3 do the work, accounting for people that were in  
4 training or in the process of being onboarded at  
5 some point when that calculation was made. And  
6 that led to a conclusion that 108 additional  
7 caseworkers were necessary.

8 Q. And is it your positions that 108 would  
9 satisfy --

10 COURT REPORTER: Satisfy what?

11 A. Could you repeat that? You broke up a  
12 little bit?

13 BY MS. LOWRY:

14 Q. Is it your position that 108 net  
15 caseworkers would satisfy the MSA requirement of  
16 90 percent of caseworkers that have -- I'm sorry,  
17 90 percent of the caseworkers that have to be at  
18 the caseload limit?

19 A. Yes. When we prepared this 2020  
20 request, the data that was provided about  
21 caseworker need identified 108 additional  
22 caseworkers as the caseworkers needed to comply  
23 with the 90 percent requirement.

24 MR. JONES: At some point.

25 BY MS. LOWRY:

Taylor Cheeseman - (Vol. II) 12/20/2018

1 Q. Now, when did you prepare this 2020  
2 budget request?

3 A. The final version -- let's see, the  
4 final version was submitted on August 10, 2018 at  
5 4:51 p.m. That's on the first page of the  
6 request. The process of preparing it took a  
7 month and a half, two months, maybe a little more  
8 before -- in lead up to that date.

9 Q. Okay. So that's when it was submitted,  
10 but you had been working on it for about two  
11 months prior to the date of submission?

12 A. Approximately. I don't know. I can't  
13 remember exactly how long the process took but,  
14 yes, two months or so.

15 Q. Okay. And when you were preparing the  
16 number of caseworkers that you are going to ask  
17 for did you refer to the RHR? And do you know  
18 what I'm referring to when I say the RHR?

19 A. The RHR, is that the 2016 recruiting,  
20 hiring, and retention plan?

21 Q. That's right?

22 A. Was that referred to in preparing the  
23 2020 request?

24 Q. Correct.

25 A. Not to my knowledge. I don't believe

Taylor Cheeseman - (Vol. II) 12/20/2018

1 that anybody preparing the 2020 request referred  
2 to the RHR to guide these numbers.

3 Q. Okay. Did you use the caseload rating  
4 formulas that are contained in the RHR, to your  
5 knowledge?

6 A. Well, if I'm not mistaken those are the  
7 same caseload weights that are contained in the  
8 MSA, which is what we tend to refer to.

9 Q. Okay. So who came up with the number of  
10 108?

11 A. Who came up with the number of 108?

12 Q. Correct.

13 A. Primarily that was Jaworski Davenport  
14 our deputy commissioner of child safety.

15 Q. And did you check that number in any  
16 way?

17 A. I mean, did I go behind his math? No, I  
18 did not.

19 Q. Okay. Do you know what kind of  
20 calculations he did to come up with the 108  
21 number of positions?

22 A. Like I said, I know that the process he  
23 went through is analyzing the caseload data  
24 county by county, comparing that to the staffing  
25 numbers county by county. So total work in

Taylor Cheeseman - (Vol. II) 12/20/2018

1 county X compared to total number of workers  
2 employed in county X. The same for both front  
3 line and the licensure and adoption staffs.

4 He totaled the necessary workers county  
5 by county to come to his conclusion that 108  
6 additional workers were necessary.

7 Q. Okay. So now, are you aware of the fact  
8 that Commissioner Dickinson informed the  
9 legislature in January of 2018, and this in --  
10 this refers to a newspaper article on January of  
11 '18, and that is Exhibit 17, are you aware of the  
12 fact that Commissioner Dickinson informed the  
13 legislature that the agency needed 200  
14 caseworkers in order to meet the caseload  
15 standards?

16 A. I believe that I recall that being  
17 discussed.

18 Q. So how did you reconcile the 200 that  
19 Commissioner Dickinson thought you needed with  
20 the 108 that is listed in this budget request?

21 A. Well, for one staffing needs, caseload,  
22 these are not stagnant things. These are  
23 variable. Over time they change. We, Jaworski,  
24 who is our expert on data, produced a calculation  
25 of the number of workers needed at the time we

Taylor Cheeseman - (Vol. II) 12/20/2018

1 were preparing this request. So that was the  
2 most accurate and up to date data available at  
3 that time.

4 So I don't know that there -- I guess I  
5 don't understand what is to be reconciled, it's a  
6 different point in time using more up-to-date  
7 data which produced the need at that point in  
8 time.

9 Q. In your role as chief of staff were you  
10 perplexed by the fact that it had declined by  
11 almost 100 workers over a six month period? You  
12 said you were working on this for two months  
13 beforehand, so that's about a six or eight month  
14 period.

15 A. Well, I was not perplexed. I mean,  
16 we've seen it decline of almost 1,000 children in  
17 custody over the past year. Presumably workloads  
18 should be declining because of that, so that's  
19 one thing. So, no, I was not perplexed.

20 Q. And did you think that that required  
21 checking into the math that Mr. Jaworski had used  
22 to come up with this 108 number?

23 A. No.

24 Q. Were you aware that the 108 number also  
25 appeared in Commissioner -- just a minute -- in

Taylor Cheeseman - (Vol. II) 12/20/2018

1 Commissioner Chandler's request for funding in  
2 2017?

3 A. No, I don't recall that fact. I mean,  
4 I've seen the '17 request at some point, but I  
5 don't recall the 108 number.

6 Q. And are you aware of the fact that that  
7 money was requested by Commissioner Chandler to  
8 take into account the bringing centralized intake  
9 inhouse?

10 A. I know that there have been ongoing  
11 discussions about the idea of bringing MCI  
12 inhouse. I was aware that at one point PINS were  
13 requested to do so, and funding.

14 Q. But that, you know, is what we call  
15 incidentally with 108 in terms of them both being  
16 requested by Commissioner Chandler, which led you  
17 all to submit a supplemental request, and the 108  
18 requested in the 2020 budget request and it's  
19 exactly 108. So did that raise any concerns to  
20 you?

21 A. No.

22 Q. Do you have the calculation that  
23 underlies the request for the 108?

24 A. Do I have the calculation?

25 Q. I asked you to --

Taylor Cheeseman - (Vol. II) 12/20/2018

1 A. I --

2 Q. Just let me --

3 A. Okay.

4 Q. -- that. If I asked you to put your  
5 hands on the calculation that was done to come up  
6 with 108 could you do that?

7 A. I was copied on the chain of e-mails  
8 regarding that calculation. I don't recall if  
9 all the underlying data was attached to it.

10 Q. But that didn't raise any questions in  
11 your mind?

12 A. No. Jaworski Davenport is our expert on  
13 data, on workload, on all of this, so I trust his  
14 calculations.

15 Q. Okay. Now, let's look at Exhibit 22,  
16 which is a letter from you to Chris Graham, and  
17 that says --

18 MR. JONES: Hold on just a moment.  
19 Are you referring to Exhibit 22?

20 MS. LOWRY: That's what I said, I  
21 thought so.

22 MR. JONES: All right. Well, we  
23 weren't aware that we needed to bring all the  
24 exhibits. We think there should have been --  
25 should have given a set notice. We'll need to

Taylor Cheeseman - (Vol. II) 12/20/2018

1 stop and get the exhibits. We don't have them  
2 in this room.

3 MS. LOWRY: Okay. So what I am doing  
4 in this deposition is trying to clarify the  
5 points that were raised by the production of  
6 some subsequent depositions and productions  
7 during the depositions themselves, and so I --

8 MR. JONES: All right. Is there any  
9 other exhibit you plan to examine him about?  
10 We'll make sure it's in here.

11 MS. LOWRY: Sure. I am going to  
12 examine a couple of newspaper articles. So one  
13 of them -- they are Exhibits -- or I may, 17  
14 and Exhibit 21. And the RHR, which is Exhibit  
15 4.

16 MR. JONES: Exhibit what?

17 MS. LOWRY: 4.

18 MR. JONES: 4. Is that it?

19 MS. LOWRY: And perhaps Exhibit 9,  
20 which is Commissioner Dickinson's affidavit.

21 MR. JONES: What was that number? I  
22 didn't hear you.

23 MS. LOWRY: Sorry, 9.

24 MR. JONES: 9. All right. Well, we  
25 will go off the record for just a moment and

Taylor Cheeseman - (Vol. II) 12/20/2018

1 get a copy of those exhibits.

2 MS. LOWRY: Okay.

3 (A brief recess was taken.)

4 MS. LOWRY: Ms. Court Reporter, could  
5 you please tell us how long that break was?

6 COURT REPORTER: We went off the  
7 record at 8:53 and we are back on the record at  
8 9:09.

9 MS. LOWRY: Thank very much.

10 BY MS. LOWRY:

11 Q. Now, Mr. Cheeseman, I think that you  
12 said that the calculations for the 108 number  
13 were done by Mr. Davenport; is that correct?

14 A. Yes.

15 Q. Okay. So I would like to now look at  
16 the addition of Mr. Davenport. And it says on  
17 page seven, with -- the budget that is -- sorry,  
18 there's a little interchange, then it says,  
19 Mr. Jaworski, the agency is preparing a budget to  
20 submit to the legislature for increased funding  
21 is probably the extent of knowledge I know about  
22 it.

23 And then question by me: Okay, so with  
24 regard to -- is the budget that's being prepared  
25 now anything that you have any involvement with?

Taylor Cheeseman - (Vol. II) 12/20/2018

1 Answer: No.

2 And the question is: Okay. And is the  
3 budget for the prior fiscal year anything you  
4 have any involvement with?

5 Answer: No.

6 Question: Okay. In caseworker  
7 caseloads, including the 90 percent caseload  
8 budget, what knowledge do you have with that?

9 An objection by Ms. Rachal.

10 And Answer: I have working knowledge  
11 of -- from working through the monitor around  
12 submitting the data to calculate or to aggregate  
13 caseloads, I have knowledge around field staff's  
14 utilization report to manage and inform hiring  
15 and the workload.

16 Question by me: Okay. And you can now  
17 --

18 And answer: Just that, that's the type  
19 of knowledge I have with.

20 And that's where it basically concludes.  
21 So with regard -- getting back to the 108 number,  
22 is it still your testimony that Mr. Davenport  
23 calculated the 108 number?

24 A. Yes, Jaworski calculated the number of  
25 workers needed. Now, I suspect that what

Taylor Cheeseman - (Vol. II) 12/20/2018

1     Jaworski is referring to about the budget is that  
2     he does not actually prepare the budget request  
3     itself or determine how much money is needed to  
4     pay for those workers. But, yes, Jaworski is the  
5     one who determined that 108 additional  
6     caseworkers were needed to comply with the  
7     caseload requirement.

8           Q.     Okay. And when did he do that  
9     approximately?

10          A.     I don't recall the date. It was  
11     sometime in that two or three month period that I  
12     referred to in which we were working to prepare  
13     this budget request.

14          Q.     All right. Now, let me call your  
15     attention to Exhibit 22. That was written by you  
16     to Chris Graham?

17          A.     Yes.

18          Q.     In that you say, so we have calculated  
19     or -- and I'm quoting from the first paragraph  
20     toward the end.

21          A.     Uh-huh (affirmative).

22          Q.     "We have calculated our salary number in  
23     our revised FY 2019 request based on a return to  
24     the progressive efforts in hiring plaintiffs'  
25     counsel demands."

Taylor Cheeseman - (Vol. II) 12/20/2018

1 A. I see it.

2 Q. And it goes on to say; "We have  
3 calculated our" -- no, no, no, "Our request --  
4 sorry -- to continue, "Our requested increase of  
5 6,746,002 in salaries is based on the net gain of  
6 20 employees per month for each month of the  
7 fiscal year, which we believe is necessary to  
8 bring us into compliance." You see that?

9 A. I see that.

10 Q. Okay. So 20 employees per month for  
11 each month of the fiscal year would amount to 240  
12 additional workers; is that right?

13 A. That's correct.

14 Q. Okay. And where in the budget request  
15 does it request for 240 additional workers?

16 A. In the 2019 budget request? I don't  
17 have --

18 Q. No, in the '19 or the '20 budget  
19 request?

20 A. The 2019 --

21 Q. Let me --

22 A. Sorry, go ahead.

23 Q. I'm sorry. Let me just complete my  
24 question, I'm sorry to interrupt you.

25 In the 2020 budget request you are

Taylor Cheeseman - (Vol. II) 12/20/2018

1 requesting 108 additional workers, right?

2 A. Yes, as well as I believe 32 additional  
3 supervisors.

4 MR. JONES: 34.

5 A. 34 maybe. It is 34.

6 BY MS. LOWRY:

7 Q. Okay. So I'm still trying to understand  
8 how you get 108 workers in 2020 budget request,  
9 which you submitted later in the year, you -- now  
10 what we're referring to is done in March and in  
11 the summer you start working on the 2020 budget  
12 request as you testified, right?

13 A. Yes.

14 Q. Okay. I'm trying to understand the 108  
15 workers as opposed to 220 workers?

16 A. Well, I think there are two pieces to  
17 that. Number one, this is talking about a net  
18 gain of 20 employees per month not just  
19 caseworkers. So the comparison is between the  
20 108 plus the 34 as compared to this 240.

21 But the other thing is that the 20  
22 employees per month that I reference in this  
23 e-mail that was built into the 2019 request was  
24 not exactly the same calculation that went into  
25 the 2020 request. It was -- we weren't exactly

Taylor Cheeseman - (Vol. II) 12/20/2018

1     answering the same question or calculating the  
2     same data point.

3           Q.     Your number of employees, the net number  
4     of employees, it's level as I understand it  
5     because of the budget freeze at the end of '17.

6           A.     The salary number is level.

7           Q.     Understood. And that mostly represents  
8     number of employees but with some variance  
9     depending on how much the employee got paid; is  
10    that right?

11          A.     Correct.

12          Q.     Okay. So you had a fixed number when  
13    you imposed that hiring freeze, a limit on  
14    going -- on increasing the net number of  
15    employees within the range of salary variations.

16                 So, again, I am trying to understand  
17    where you got the 108 number?

18          A.     I told you where the 108 came from.  
19    That's the calculation of workload county by  
20    county and staffing county by county to determine  
21    exactly how many caseworkers were needed.

22          Q.     Mr. Davenport did that calculation to  
23    the best of your knowledge?

24          A.     Correct.

25          Q.     Now, I'd like to also call your

Taylor Cheeseman - (Vol. II) 12/20/2018

1 attention to a statement that is contained in  
2 the -- so it's your -- sorry, I withdraw that.

3 Is it your testimony then that you are  
4 accurately reflecting the number of new positions  
5 that you need based on caseload calculations that  
6 are in the RHR and this MSA?

7 A. You mean based on the caseload weights  
8 that are contained in the RHR and the MSA?

9 Q. Yes, that's correct.

10 A. Yes. It's my understanding that the 108  
11 additional caseworkers and 34 additional  
12 supervisors identified in the 2020 budget request  
13 is the precise number of people that we needed to  
14 bring the agency into compliance with the  
15 caseload metric at that time.

16 Q. And that the calculation in Exhibit 22  
17 of 20 additional workers per month reflects that?  
18 How do you reconcile those two numbers?

19 A. No, I do not think this reflects that  
20 precisely. Like I said, it was a cal -- the  
21 number, salary number contained in the 2019  
22 request was a calculation of a different type, of  
23 a different data point than what has been put  
24 into the 2020 request.

25 Q. I'm seeing that the numbers from the '19

Taylor Cheeseman - (Vol. II) 12/20/2018

1 to the 2020 request are somewhat inconsistent.

2 Do you agree or not?

3 A. I don't think they reflect the same  
4 thing. I don't think they're meant to reflect  
5 the same thing. They're not inconsistent.

6 Q. Could you just take a minute and tell me  
7 how they reflect the same thing?

8 A. I said they don't reflect the same  
9 thing. They're identifying two different data  
10 points.

11 Q. And what different data points are they  
12 reflecting?

13 A. So, as I said, about the 2020 request,  
14 that is a precise calculation of the number of  
15 caseworkers and supervisors needed based on  
16 workload data and staffing numbers by county.

17 That is not what was done for the 2019  
18 request. For the 2019 request, if you will  
19 recall, the agency was coming into the  
20 legislative session in the middle of a newly  
21 realized potential budget deficit for that fiscal  
22 year.

23 The first month of the session, which is  
24 the month of January, was spent attempting to  
25 remedy the projected deficit that we had for that

Taylor Cheeseman - (Vol. II) 12/20/2018

1     fiscal year.

2                 But one thing that that projected  
3     deficit did is alert us to the fact that the 2019  
4     request that had been filed before Justice  
5     Dickinson arrived was probably not adequate.

6                 So in the middle of the legislative  
7     session and pressed for time, we set out to  
8     update that request to put a more accurate and  
9     more sufficient request for state funds in front  
10    of the legislature.

11                For the purpose of calculating salary  
12    need, what we did there, is that we looked at the  
13    agency's kind of hiring in the year preceding  
14    this year, so I guess in 2017, as you will recall  
15    up until the "hiring freeze" or the limitation to  
16    back filling positions, the agency had engaged in  
17    pretty much unrestricted hiring.

18                So we looked at how successful the  
19    agency had been when it was engaged in  
20    unrestricted hiring. We saw that there was  
21    approximately a net gain of 11 total employees  
22    per month. A net gain of about nine front line  
23    caseworkers, or caseload carrying staff, per  
24    month. And we said, okay, what is the absolute  
25    best that we could expect to do if we went back

Taylor Cheeseman - (Vol. II) 12/20/2018

1 to unrelented hiring. If we lifted all the  
2 constraints and said keep hiring until, you know,  
3 we reach compliance and necessary staffing  
4 levels.

5 We projected or estimated or, you know,  
6 believed that based on the salary realignment  
7 that had just gone into effect, and based on just  
8 the general work of the agency to try to improve  
9 the retention of staff, that the absolute best  
10 case scenario that we could foresee was doubling  
11 that performance from a net gain of approximately  
12 10 employees per month to a net gain of 20  
13 employees per month.

14 So, in other words, the 2019  
15 calculation, the 20 per month, is not a precise  
16 calculation of this is exactly how many people we  
17 need. It was not the this is the bear minimum of  
18 people we need to comply. It was, if we go back  
19 to unrestricted hiring as an agency this is the  
20 best we believe we can do is gain 20 employees  
21 per month. And that's the number we put in front  
22 of the legislature in 2019.

23 Now, like I said, for 2020 we went to a  
24 different method. We went to the -- we attempted  
25 to put, and I believe have put, the most exact

Taylor Cheeseman - (Vol. II) 12/20/2018

1 calculation that we could provide before the  
2 legislature of the number of caseworkers and  
3 supervisors needed.

4 Q. And that accounts for the almost 100  
5 person difference between the '19 number and the  
6 '20 number?

7 A. Yes.

8 Q. And we're talk about -- I see. Okay.

9 Now, are you aware that in 2017 the  
10 agency asked for funding for 255 positions that  
11 were not again allowed filled?

12 A. That were not what?

13 Q. Filled. Filled.

14 A. I don't specifically recall that about  
15 the '17 request.

16 Q. Okay. In fact, there were 101 positions  
17 that apparently -- for which apparently there was  
18 money but they were not filled. Are you aware of  
19 that?

20 A. No. Like I've said though, money is not  
21 appropriated for particular purposes. It's a  
22 lump sum appropriation from the legislature, so  
23 there wouldn't have been money appropriated for  
24 positions, but.

25 Q. So the agency's budget was not -- sorry,

Taylor Cheeseman - (Vol. II) 12/20/2018

1 withdraw that.

2 It's your testimony that the money that  
3 was appropriated for 2017 did not include money  
4 for additional positions?

5 COURT REPORTER: You're going to have  
6 to repeat that you cut in and out.

7 BY MS. LOWRY:

8 Q. I'm sorry. Is it your testimony that  
9 the money that was appropriated for 2017 did not  
10 include money for the additional 255 positions?

11 A. My testimony is that we receive a lump  
12 sum appropriation from the legislature so money  
13 is not in your appropriations bill for a  
14 particular thing. Now, I can't speak to the  
15 legislature's intent of why they gave money.

16 Q. So that means that if you didn't fill  
17 all of those positions what happened to the  
18 money?

19 MR. JONES: And I'm going to object to  
20 the form of the question. He's answered the  
21 question, number one, and you're misstating his  
22 testimony.

23 MS. LOWRY: All right. So can you --  
24 I would like the witness to answer the  
25 question.

Taylor Cheeseman - (Vol. II) 12/20/2018

1 A. Could you repeat that?

2 BY MS. LOWRY:

3 Q. Sure. If the money was appropriated for  
4 255 additional positions for fiscal year '17 and  
5 only -- what was the number -- 101 positions were  
6 not filled what happened to the money for that?  
7 Were you saying that that just got absorbed into  
8 the agency?

9 A. No, I didn't work for the agency in  
10 fiscal year '17, so I can't speak to specifically  
11 what they spent it on.

12 But, once again, money is not  
13 appropriated by the legislature for a particular  
14 purpose or type of expenditure.

15 Q. So that means that in any year the  
16 agency can, in fact, spend the money however it  
17 wants to?

18 A. It's state fund, it's general fund  
19 appropriation, yes. It is a lump sum  
20 appropriation that can be spent on, you know,  
21 essentially any part of the agency's operations.

22 Q. I see. And what kind of limitation is  
23 there on caseloads?

24 A. What kind of limitation is there on  
25 caseloads?

Taylor Cheeseman - (Vol. II) 12/20/2018

1 Q. Yes. Let me withdraw that.

2 Is there any limitation imposed by the  
3 number of PINS the agency has?

4 A. Yes. You have to have a PIN to hire a  
5 person.

6 Q. So if you have a sufficient number -- do  
7 you know how many PINS you have?

8 A. Not precisely, it's about 1,900 I  
9 believe.

10 Q. And would that accommodate hiring an  
11 extra 200 people?

12 A. Yes, I believe so.

13 Q. Okay. So basically what you're saying  
14 is that as you understand it, the Commissioner  
15 had the freedom to hire that additional 200  
16 people?

17 A. Well, he didn't have enough money to do  
18 so.

19 Q. But he did have the legal authority to  
20 do so; is that right?

21 A. If you have a PIN you have the legal  
22 authority to hire a person if money is available  
23 to do so.

24 Q. Well, is there that kind of limitation,  
25 or he could have moved the money around; could he

Taylor Cheeseman - (Vol. II) 12/20/2018

1 not?

2 A. What do you mean by move the money  
3 around?

4 Q. Decided that some of the money in the  
5 budget that had already been allocated for  
6 positions be actually used to hire more  
7 positions?

8 MR. JONES: You know, we're going to  
9 allow you to go a little farther in this but  
10 the scope of this deposition is the amended  
11 budget request in fiscal year '19 and we have  
12 agreed to certain questions relating to the  
13 fiscal year 2020 budget.

14 We're not going to simply reopen this  
15 deposition on all subjects that you chose not  
16 to cover in the first deposition and were  
17 prepared to cover then and, in fact, did cover  
18 with a number of witness.

19 So at some point I'm going to instruct  
20 the witness not to answer if we keep going into  
21 matters that were not set forth within the  
22 scope of the agreement with regard to his  
23 renewed deposition.

24 MS. LOWRY: Okay, thank you. We do  
25 have documents that we did not have when we

Taylor Cheeseman - (Vol. II) 12/20/2018

1 first deposed Mr. Cheeseman and that's what  
2 we're limiting this deposition to. So we'd  
3 like to proceed with that.

4 BY MS. LOWRY:

5 Q. Can you answer that question?

6 A. If I'm understanding your question  
7 correctly, the use of general funds is up to the  
8 Commissioner. It is a lump sum appropriation and  
9 he can use that pool of money how he, as the  
10 agency head, deems appropriate.

11 Q. Okay. So let me ask you this. You  
12 requested close to seven million in the amended  
13 2019 budget for an additional 100 (break in  
14 audio) caseload requirements, that's referenced  
15 in Exhibit 22; is that right?

16 A. Could you repeat that last part you were  
17 breaking up again.

18 Q. All right. Let me just ask a new  
19 question.

20 You requested about seven million in the  
21 amended '19 budget for salaries, or approximately  
22 240 additional hires to meet the caseload  
23 requirement, right?

24 A. Correct.

25 Q. Okay. And then the 2020 budget request

Taylor Cheeseman - (Vol. II) 12/20/2018

1 -- (break in audio) caseloads -- the number of  
2 caseworkers you talk about hiring here is about  
3 \$100 -- 100,000, I'm sorry, 100 less; is that  
4 right?

5 A. Once again, you just broke up in the  
6 middle of that second question as well.

7 Q. Okay. So let me try it again and I have  
8 no control when my sound breaks up.

9 The 2020 budget requests close to seven  
10 million staff to meet the caseload requirement  
11 and that's for approximately 100 less fewer  
12 workers. And then in the '19 budget you  
13 requested seven million for salaries for an  
14 additional 240 hires. Can you explain to me the  
15 difference between those two numbers?

16 MR. JONES: I'm going to object. It's  
17 been asked and answered I think about four  
18 times now and I'll let him answer it one  
19 additional time.

20 A. Once again, these are different  
21 calculations so the 2019 request was a  
22 calculation of need -- or was a calculation of  
23 how many -- how large of a net gain in employees  
24 that we could expect to see, reasonably expect to  
25 see over the course of a year. And the salary

Taylor Cheeseman - (Vol. II) 12/20/2018

1 number for 2019, the cost of those people was  
2 calculated with just using an average agency  
3 salary. So the total, you know, agency cost of  
4 salaries divided by the number of employees  
5 because we were not calculating people of a  
6 particular position type.

7           Whereas for 2020 the calculation is, as  
8 I've said, a specific calculation of how many  
9 caseworkers and supervisors were needed and the  
10 cost of those people is calculated by looking to  
11 the specific salary and fringe benefit cost of a  
12 caseworker position or a supervisor position.

13 BY MS. LOWRY:

14           Q. And so then it's your testimony that the  
15 difference, which amounts to the salary of about  
16 100 additional workers, is solely based on the  
17 fact that these are calculations using different  
18 cost numbers basically?

19           A. They're different methodologies of  
20 calculating the cost.

21           Q. So those two different methodologies  
22 accounts for the difference of about 100 people?

23           A. Yes.

24           Q. I see. Okay. And let me ask you this,  
25 who wrote the narrative for the 2020 budget

Taylor Cheeseman - (Vol. II) 12/20/2018

1 request?

2 A. Well, there's not one person. I mean,  
3 it was a -- a variety of people had input and  
4 worked on those narratives, revised those  
5 narratives, you know.

6 Q. Who had final sign off on it?

7 A. Ultimately it's signed by the  
8 Commissioner before it's submitted to the  
9 legislative budget office.

10 Q. I understand that ultimately that it's  
11 signed off by the Commissioner but who has the  
12 final review of the content of the document? Did  
13 you do that in your role as chief of staff?

14 A. I did review it but, like I said, the  
15 final sign off on the budget request is by the  
16 Commissioner.

17 Q. Okay. But you were convinced that that  
18 was an accurate reflection of what the agency  
19 wanted and needed?

20 A. Yes.

21 Q. All right.

22 MS. LOWRY: Could we take a quick  
23 break please?

24 (A brief recess was taken.)

25 MS. LOWRY: Let's go back on the

Taylor Cheeseman - (Vol. II) 12/20/2018

1 record. Those are all my questions. Do you  
2 have any questions you wish to ask?

3 MR. JONES: No.

4 MS. LOWRY: All right, this deposition  
5 is concluded. Thank you very much for your  
6 courtesy. We appreciate it.

7 COURT REPORTER: Copy?

8 MR. JONES: Yes.

9

10 (Deposition concluded at 9:36 a.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Taylor Cheeseman - (Vol. II) 12/20/2018

## 1 CERTIFICATE OF DEPONENT

2 DEPONENT: Taylor Cheeseman

3 DATE: December 20, 2018

4 CASE STYLE: Olivia Y., et al VS

Phil Bryant, et al

5

6 I, the above-named deponent in the deposition  
 7 taken in the herein styled and numbered cause,  
 8 certify that I have examined the deposition taken  
 9 on the date above as to the correctness thereof,  
 10 and that after reading said pages, I find them to  
 11 contain a full and true transcript of the  
 12 testimony as given by me.

13 Subject to those corrections listed below, if  
 14 any, I find the transcript to be the correct  
 15 testimony I gave at the aforestated time and  
 16 place.

17

Page	Line	Comments
18		
19		
20		
21		
22		
23		
24		
25		

18

19

20

21

22

23

24

25

26 This the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

27

TAYLOR CHEESEMAN

28 State of Mississippi

29 County of \_\_\_\_\_

30

31 Subscribed and sworn to before me, this  
 32 the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

33

34

35

Notary Public

My Commission Expires

Taylor Cheeseman - (Vol. II) 12/20/2018

## 1 REPORTER'S CERTIFICATE

2 I, Dawn Dillard, CSR Number 1763,  
3 Certified Reporter, certify:

4 That the foregoing proceedings were  
5 taken before me at the time and place therein set  
6 forth, at which time the witness was put under  
7 oath by me;

8 That the testimony by the witness, the  
9 questions propounded, and all objections and  
10 statements made at the time of the examination  
11 were recorded stenographically by me and were  
12 thereafter transcribed;

13 That the foregoing is a true and correct  
14 transcript of my shorthand notes so taken.

15 I further certify that I am not a  
16 relative or employee of any attorney of the  
17 parties, nor financially interested in the  
18 action.

19 I declare under penalty of perjury under  
20 the laws of Mississippi that the foregoing is  
21 true and correct.

22 Dated this the \_\_\_\_\_ day of  
23 \_\_\_\_\_, 20\_\_.

24

25

DAWN DILLARD, CSR 1763